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HOUSE BILL 802

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO COMMUNITY LAND GRANTS; ENACTING SECTIONS OF THE
NMSA 1978 TO ENLARGE THE POWERS OF THE BOARD OF TRUSTEES OF
COMMUNITY LAND GRANTS TO PERMIT ZONING AND IMPOSITION OF
NEGATIVE EASEMENTS AND TO AUTHORIZE THE LEVY AND COLLECTION OF
PROPERTY TAXES ON THE NET TAXABLE VALUE OF PROPERTY WITHIN THE
LAND GRANT; PROHIBITING CLAIM OF TITLE TO LANDS WITHIN THE
GRANT BY ADVERSE POSSESSION; PROVIDING FOR NONFORFEITURE OF
WATER RIGHTS BY PRESCRIPTION OR FOR NONUSE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. COMMUNITY LAND GRANTS-- TRUSTEES-- ADDITIONAL
POWERS.--In addition to the powers conferred on the board of
trustees of a community land grant under the provisions of
Section 49-1-3 NMSA 1978, the board of trustees of a community
land grant shall have the following additional general powers

underscored material = new
[bracketed material] = delete

1 over lands within the grant:

2 A. for the purpose of promoting health, safety or
3 the general welfare, the power to zone, regulate and restrict
4 within the land grant the:

5 (1) height, number of stories and size of
6 buildings and other structures;

7 (2) percentage of a tract of land that may be
8 occupied;

9 (3) size of yards, courts or other open
10 space;

11 (4) density of population; and

12 (5) location and use of buildings, structures
13 and land for trade, industry, residence and other purposes;

14 B. the power of eminent domain, under which it may
15 condemn property pursuant to the Eminent Domain Code and
16 impose negative easements on lands held within the exterior
17 boundaries of the community land grant; and

18 C. the power to impose property taxes pursuant to
19 the provisions of Paragraph (2) of Subsection C of Section
20 7-37-7 NMSA 1978 on the net taxable value of all real property
21 within the community land grant for the use of the community
22 land grant for general purposes.

23 Section 2. ADVERSE CLAIMS PROHIBITED. -- The common lands
24 of a community land grant are not subject to claim by adverse
25 possession.

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